

51306/789:1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

## Alexander M. McQueen

**Serial No.:** 10/762,132

**Filed: January 20, 2004**

**For: METHOD AND APPARATUS TO  
PREVENT REPORTING MULTIPLE READS  
OF OPTICAL CODED ITEMS**

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) **Group Art Unit: 2876**  
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) **Examiner: Daniel A. Hess**  
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## COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The following are comments on the Examiner's Statements of Reasons for Allowance included with the Notice of Allowance dated March 15, 2005 (hereinafter "The Statement").

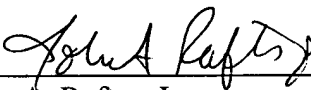
The Statement indicates that each of the independent claims has been amended to reflect that the data reader actively selects delay time "based on criteria that is acquired during operation while performing scanning." It is noted that Claim 23 was amended to specify "the data reader actively selecting a delay time, out of the plurality of delay times, based upon a given criteria acquired during operation while gathering identification data"; and Claim 31 was amended to specify "the data reader switching between first and second operating modes based upon a given criteria acquired while gathering identification data." However, the remaining claims were already indicated as allowable without amendment and as such were either not amended (Claim 34) or were merely rewritten in independent form (Claims 27-30, 32-33).

Further it is submitted that the claims, both independent and dependent, include other limitations which in combination with other limitations provide distinguishing combinations. Therefore it is submitted that the claims are patentable over the items of record.

Respectfully submitted,

Dated: May 18, 2005

By:

  
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